

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of Ashley Green and Dylan Green,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIE GREEN,

Respondent-Appellant.

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UNPUBLISHED

July 1, 2003

No. 244783

Clinton Circuit Court

Family Division

LC No. 01-014389-NA

Before: Bandstra, P.J., and Gage and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

**I. FACTS**

Ashley was first made a court ward in 1994 when she was six years old. Petitioner received a medical neglect referral in September 1994, alleging that respondent went off to work in a carnival for the summer, leaving Ashley with an aunt. Ashley injured her foot but respondent had not left the aunt any means of contact or proper medical authorization. As a result of the delayed medical attention, she was in danger of losing her foot. The medical neglect complaint was substantiated and Ashley was removed from respondent's care for three months until respondent had completed specified services.

Ashley was again made a court ward in March 2001. The petition for temporary custody alleged that: (1) respondent kicked Ashley in the face, causing bruising; (2) services had unsuccessfully been provided to respondent to help her maintain a clean home; (3) respondent was not cooperating with Families First services provided to her, having angry outbursts in front of the workers on two occasions resulting in respondent hitting the wall with her fist and breaking her thumb and throwing a fork at a wall; (4) Ashley had, on numerous occasions, stated that she hated her mother and wanted to live in foster care; (5) respondent had a family history with petitioner in 1994 and in 1988, when allegations of neglect had been substantiated; and (6) despite respondent receiving counseling, parent aide services and Families First services when

Ashley had first been ordered out of respondent's care and subsequent to that time, the services had not helped. Dylan, born in August 2001, was made a court ward and a party to the instant proceedings in September 2001.

Respondent complied with most of the requirements of her parent-agency agreement, including completing a psychological evaluation by Dr. Andrew Barclay, an expert in the field of psychology. The evaluation revealed that respondent was not only mildly mentally retarded, but that she also suffered from a learning disability and a schizo-affective disorder, which caused her to distort reality to a serious degree. Dr. Barclay testified that respondent's disorder prevented her from providing consistent parenting to Ashley, which in large part contributed to Ashley's profound behavioral and emotional problems. He expressed concern that respondent was likely to parent Dylan the same way as she had Ashley, with the result that Dylan would also be a damaged child. Though Dr. Barclay recommended that respondent participate in therapy with a psychologist with training in schizophrenia or schizo-affective disorders, he added that his recommendation was intended to assist respondent herself but would not help her become a better parent. Other evidence at trial showed that respondent had failed to obtain employment that would allow her to be at home when Ashley was home from school, so as to provide the structure and boundaries Ashley required, and that she was \$750 behind in her rent.

## II. STATUTORY GROUNDS FOR TERMINATION OF PARENTAL RIGHTS

### A. Standard of Review

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This Court reviews the trial court's findings of fact for clear error. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding is clearly erroneous if, although there is evidence to support it, the reviewing court on the entire record is left with a definite and firm conviction that a mistake has been made. *Id.* Regard is given to the special ability of the trial court to judge the credibility of the witnesses who appeared before it. *Id.*

### B. Analysis

Respondent's parental rights were terminated under MCL 712A.19b(3)(c)(i), (g), and (j), which provide for termination of parental rights where clear and convincing evidence establishes the following:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds . . . the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

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(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the age of the child.

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(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

Testimony established that respondent was an inconsistent parent, unable to establish limits or boundaries for Ashley because of her own serious emotional problems. She was \$750 in arrears on her rent, indicating that she would have difficulty maintaining housing for herself and her children. Respondent's intellectual limitations, along with her psychological problems, prevented her from understanding how Ashley's problems resulted from inconsistencies on her part.

Witnesses testified that although respondent could be taught homemaking skills for individuals with her intellectual level, she would not be able to apply what was taught because of her emotional issues. Parenting classes would not help respondent in caring for an infant during one of her manic phases.

Based on the foregoing evidence, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

## II. BEST INTERESTS OF THE CHILDREN

### A. Standard of Review

Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to order termination of parental rights unless the court finds from evidence on the whole record that termination is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision regarding the children's best interests is reviewed for clear error. *Id.*

### B. Analysis

The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Testimony referred to the danger of respondent remaining a part of Ashley's life. Several witnesses testified that if Ashley were returned to respondent's care, it was likely that respondent would injure her. Testimony revealed that respondent's conduct, specifically her lack of consistent parenting and role reversal through the years, in large part contributed to Ashley's emotional problems. Despite the testimony that Ashley's problems were caused in large part by respondent, respondent denied any responsibility for Ashley's behavior or problems.

Respondent argues that termination of her parental rights to Dylan was not in the child's best interests, noting that she was not given an adequate opportunity to bond with Dylan. Evidence was presented that Dylan became inconsolable when respondent held him, but was easily consoled by others. Further, experts expressed concern that based on her conduct with Ashley, and her inability to change her parenting style, respondent would likely damage Dylan. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Richard A. Bandstra

/s/ Hilda R. Gage

/s/ Bill Schuette